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DEPARTMENT FOR EUR/CARC AND DRL

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SUBJECT: HUMAN RIGHTS SITUATION IN GALI--SAME PROBLEMS

REF: A. TBILISI 1604

[B](#). TBILISI 861

[C](#). 2006 TBILISI 3045

[D](#). TBILISI 2000

Classified By: CDA Mark X. Perry for reasons 1.4(b) and (d).

[1](#)1. (C) Summary: On 31 July-2 August, an Embassy team traveled to Abkhazia to review the human rights situation there. The team participated in a patrol with the UN Observer Mission in Georgia (UNOMIG) in the ethnically Georgian Gali region, visited local NGOs in Gali and Sukhumi, and met with the Abkhaz de facto authorities. Georgian-Abkhaz tensions have calmed recently, but concerns over the lack of security with the run up to hazelnut/mandarin season, forced conscription of Georgians in the Abkhaz militia, and unclear passportization implementation procedures remain. UNOMIG representatives relayed that the Abkhaz militia closed the Ceasefire Line (CFL) to all vehicular and commercial traffic, forcing the residents of Gali to buy items in the more expensive Gali market, rather than in the cheaper Zugdidi market. By the end of the year, the Abkhaz intend to close all unofficial checkpoints, and limit vehicular and foot traffic across the CFL to four points: Inguri River Bridge, Nabakevi Bridge, Meore Otobaya, and Lekukhona. De facto foreign minister Shamba was resistant to allowing Georgian officials to send Georgian textbooks to Gali schools. He was not open to changing the new law which currently does not permit property to be returned to Georgians who left Abkhazia after the war, or the law which does not allow for dual Georgian-Abkhaz citizenship, noting that Abkhazia is at war with Georgia. Shamba reiterated his position in Bonn that the Abkhaz would not be open to official contacts (between Abkhaz and Georgian officials) until Georgian troops leave Upper Kodori Valley (reftel A.) End Summary.

Human Rights in Gali--Same Problems

[1](#)2. (C) On July 31- August 2, an Embassy team including Pol-Econ Chief, Defense AttachQ, USAID Deputy Mission Director and Poloffs visited Abkhazia to follow up on the human rights situation there (reftel B,C.) The UNOMIG Human Rights (HROAG) Officer in Gali, Zarko Petrovic, briefed the group that Georgian-Abkhaz tensions have calmed but reported that the situation remains tense as the Abkhaz are tightening control in the region by closing the CFL to vehicular and commercial traffic across the CFL and limiting pedestrian traffic only to official crossing points. By the end of the year, the Abkhaz Militia plan on limiting all vehicular and pedestrian crossings to four official crossing points: Inguri River Bridge, Nabakevi Bridge, Meore Otobaya, and Lekukhona. Officially, there should be no fee to cross the Inguri but pedestrians often would rather pay

a 2-10 GEL bribe to the Abkhaz militia. The closing of the CFL has made life more difficult for locals who prefer to cross into Zugdidi to purchase foodstuffs; with the closure of the crossing, locals in Lower Gali must buy foodstuffs in Gali which are more expensive as they are shipped from Sukhumi. These additional controls will make life difficult for those residents who depend on the yearly hazelnut/mandarin harvest for their total annual income by complicating getting their produce to market and making it more expensive to do so. Once the four checkpoints are open and operating, locals anticipate that there will be customs charges leveled on any items which are brought across, also cutting down on profits. Currently, there are three U.N. Civilian Police (UNCIVPOL) (Czech, Russian, Swiss) on the ground, rather than the nine the U.N. had expected to be in place by this time (reftel B.) Petrovic noted an expected spike in criminal activity associated with the upcoming hazelnut/mandarin harvest season.

Plans for Human Rights Center

13. (C) The team visited the house selected as the future NGO Human Rights Center in Gali, which is just a short walk from the U.N. base in Gali. The U.N. is planning to pay to repair the house for its use as the center, which will house five local NGOs, a library, a training area and an office for the UN HROAG in Gali. The Human Rights Center will work off a Memorandum of Understanding between UNOMIG and the local NGO Institute of Democracy. (NOTE: The Human Rights officer previously worked in Gali from Sukhumi with frequent trips to Gali but established a permanent presence in Gali in March (reftel B) END NOTE.)

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Although the current officer is alone in Gali, there are plans to bring a second officer from France as soon as the lead Human Rights position in Sukhumi is filled. The NGO Human Rights Center plans to offer legal aid to citizens of Gali district, regular monitoring of human rights, human rights training, a human rights resource center, an information service, and promote advocacy for human rights. The four projects currently proposed are a human rights monitoring project, addressing multiple discrimination of women in Abkhazia, and a Youth Resource Center and a Legal Aid Center in Gali. However, funding remains an issue and the center will rely entirely on international donors for its operations. The five local NGOs which will be represented are the Institute of Democracy, Alert, Avangard, Raduga, and Spektr.

Forced Conscription Still an Issue

14. (C) According to Petrovic, there are still incidents of Georgians who are being forced to serve in the Abkhaz militia. The conscription periods occur 1 April-30 June and 1 October-31 December. All eligible males who reach the age of 14 years are put on the conscription list and upon reaching the age of 18 are sent notification twice by mail before being picked up at their residences if they fail to show. They are eligible for service until they are 35 years of age. Often Georgians are picked up during night raids if they are eligible for service and have not reported. Some pay bribes to avoid service and others leave for Zugdidi to avoid being caught. If eligible men are caught not having served, they are given the option to serve or do jail time. Per UNOMIG representatives, fewer than 15 per cent of Georgian males who are eligible serve. The grounds for release from service are poor health, prior military service elsewhere, or status of convicted felon. The grounds for postponement are poor health, family situation, exceptional political function or ongoing education, or status as conscientious objector. There is no requirement to speak Russian and most Georgians who serve speak Mingrelian.

Ethnic Georgian locals do not look down upon those Georgians who have served in the Abkhaz militia, but there is clearly no interest by locals in serving absent the Abkhaz requirement.

15. (C) Poloffs talked to local residents about two local ethnic Georgian males who had been taken during a night raid and pressed into the Abkhaz militia. The locals understood that the two in question had previously served in the Georgian military which meant that they were exempt from the Abkhaz militia. Local residents explained to Poloffs that the Abkhaz took the Georgians despite their prior military service, saying that they had only served six months in Georgia and that they would still be required to serve in the Abkhaz militia. (NOTE: There were various interpretations of this law given to Poloff during the stay in the Gali region, none of them clear as to how much previous service was required and what constituted proof of this time already served. It was clear that the rules of service are not widely known and that some of the techniques for enforcing the law were instilling a sense of insecurity and fear among the residents. END NOTE.)

Youth Camp--Not all Fun and Games

16. (C) Petrovic said that the Georgian Youth Camp in Ganmukhuri is not in the immediate area of a PKF checkpoint but it is within the PKF patrol area on the Georgian controlled side of the CFL. Georgian security guards at the camp previously denied access to PKF when they wanted to see for themselves the activities of the camp. Abkhaz de facto authorities are concerned about the camp because they claim not just minors below the age of 18 are involved. According to Petrovic, the de facto authorities expressed concern about the camp because they claimed that there are participants at the youth camp who are 21 years of age or older and that instructors at the camp range from 25-28 years old. The implication being, according to Petrovic, that the Abkhaz believe these individuals are of military age and therefore a potential threat. Still, Roman Sishchuk, the U.N. Civil Affairs Officer in Gali, said that he had been to the camp before it opened and reported that it appeared to be a youth camp without any military overtones or activities. UNOMIG representatives said that the Georgians have a similar youth camp in Zugdidi. (NOTE: Speaker Burjanadze told DAS Bryza that these camps are just for children, are not close to Abkhazia, and she herself had considered sending her own son there. END NOTE) (reftel D.)

Teachers Get the Dough--Textbooks Still Under the Table

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17. (C) In Lower Gali, the team met with Beusan Uberiya, one of two ethnic Georgians serving in the de facto Abkhaz parliament, Upper and Lower Bargebi school administrators and their deputies, and the school's doctor who worked in the dispensary. According to the school officials, teachers are now regularly getting paid. Teachers receive a flat rate of 100 USD per month from Tbilisi and the equivalent of 30 USD a month from Sukhumi. All schools in Upper and Lower Gali are receiving these funds. As a result, schools no longer are charging a per student fee for school attendance (reftel B.) Although teacher's salaries are taken care of, there is no funding for the upkeep of the building for repairs. Currently, Sukhumi is not charging them for electricity.

18. (C) With regard to textbooks, officials told Poloffs that last year they managed to quietly bring in more than 42,000 books, and the de facto authority turned a blind eye to the practice. School administrators said that they would welcome assistance from the Georgian Education Ministry, but it would have to

be done quietly without any press fanfare from the Georgian side. (COMMENT: Previously Poloff had pressed Kishmaria to allow the Georgian government to give Georgian textbooks on non-controversial subjects to the Gali schools, but after consultation with other de facto authorities, he said it could not be done. END COMMENT.)

¶9. (C) The school's doctor voiced concern that the dispensary was inadequate for the number of students which attended, and the neighboring school's dispensary was even in more dire straits. She said that the Abkhaz government-in-exile used to fund dispensaries in Gali but that the money had stopped last year. She asked for U.S. intervention with the GoG to continue to provide such funding.

¶10. (C) Next to the school is a PKF checkpoint. Locals told our group that the PKF does nothing to prevent/stop local crimes or mediate between local citizens, which according to the PKF mandate, they should. Residents told the team that recently there was a robbery in the house behind the school, which resulted in the death of the elderly homeowner, and the PKF did nothing to stop the crime. Local residents see the PKF sole function as checking car trunks for contraband and question the relevance of their presence.

Georgian in de facto parliament: All by Myself

¶11. (C) De facto parliamentarian Uberiya told the team that although the Georgian minority has two representatives in the de facto parliament, nothing comes of their efforts as two people can't change outcomes. All of their proposals are considered, but none are acted on. Uberiya stated that if the number of Georgians who had returned to the Gali region were 50,000, as the Abkhaz claim, then consideration should be given to raising the number of Georgians in the de facto parliament to reflect their proportion in Abkhazia. (NOTE: The current de facto parliament has 36 representatives, three from the Gali region. Of those three, two are ethnic Georgian. END NOTE.) When asked if he had been threatened for his participation in the de facto parliament, Uberiya shrugged. The Administrator for Upper Bargebi School told us that Uberiya had received threatening calls on his mobile from a number within Georgia, but they were not able to determine the source.

Abkhaz Passports, a Necessary Evil

¶12. (C) Poloffs talked to UNOMIG representatives, local residents and NGOs about the passportization of Abkhazia following last year's new citizenship law, which required anyone who participates in political life to obtain an Abkhaz passport. The law allows dual Abkhaz-Russian citizenship but not dual Abkhaz-Georgian citizenship (reftel B.) As a result, the concern remains that Georgians would need to give up their Georgian citizenship in order to obtain an Abkhaz passport, which is required not only to vote in Abkhaz elections but also to obtain

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a driver's license, register a car, open a bank account and conduct any other official transaction in Abkhazia. The Abkhaz law appears to be widely and loosely interpreted. No Georgians that we met told us that they had been forced to give up their Georgian passports: they did tell us, however,

that the first question on the application for the Abkhaz passport was, "Do you have another citizenship other than that of Abkhazia?" Several Georgians told us that they checked "No" to this question, as the Abkhaz have no way of verifying if they possess a Georgian passport. Still, there remains much confusion among residents (and even de facto officials) about how passportization of the Gali region will take place, with the de facto foreign minister Shamba noting that the idea under consideration was to issue "green cards" to those who carry said Georgian passports. Poloff heard that passportization was complete in Ochamchire and Tkvarcheli, but had yet to start in Gali.

Gali NGOs: Training OK, Jobs Better

¶13. (C) NGOs in the Gali region told us that their main concerns were human rights concerns, lack of good access to health care, and wide-scale corruption. Most NGOs serve as a mediator between the administrative heads or law enforcement bodies and residents. NGOs expressed that local residents were afraid to open businesses for fear of being robbed, if they should make more than a small sum. None of them felt that they could get justice through the de facto court system and did feel trying to do so was not even worthwhile. Most of them said that they are interested in increased economic development in Abkhazia and that training and consultations are beneficial but didn't necessarily lead to the creation of new jobs. Gali NGOs don't have regular ties with Tbilisi NGOs, but on occasion do communicate with those in Kutaisi. They said Gali NGO affiliation with Georgian NGOs or the Ombudsman's Office would require prior coordination with de facto officials and for them it boils down to uncomfortable politics. NGO representatives explained to the team that since the impasse over the Georgian presence in the Upper Kodori Valley, matters have become more complicated in contacts between the Abkhaz and Georgians.

It's Not What You Know, but Who You Know

¶14. (C) Nona Tarbaia, director of the Nabakevi village hospital, relayed to the team the difficulty in getting treatment for local patients and in particular, medicines. She often drives to Tbilisi and back, often taking patients with her. When we asked her about any difficulties getting through the checkpoints, she told us that instead of crossing at the Inguri Bridge crossing, which is now closed, she crosses at an unofficial crossing point near the hospital which is near a PKF checkpoint. She told us that she does not have problems crossing at PKF checkpoints, not because she is a doctor, but because she now knows the PKF personnel at the checkpoints and this personal relationship makes it easier to cross with needed supplies and patients. (COMMENT: This echoes comments by Petrovic that personal relationships trump professional ones in getting business done in Abkhazia. END COMMENT.)

Play it Again Shamba, The Chakaberia-Sigua Tune

¶15. (C) The team met with Abkhaz de facto foreign minister Sergey Shamba and his deputy Maxim Gvinja. Poloff encouraged Shamba to consider allowing the GoG to distribute textbooks on non-controversial subjects to Gali schools. She also encouraged him to revisit the new property law, which does not permit property

to be returned to ethnic Georgians who left Abkhazia after the civil war, and to revisit the citizenship law which does not allow dual Georgian-Abkhaz citizenship. She noted that both of these issues would again be noted in the Human Rights Report. Poloff said that the U.S. would likely be willing to fund a joint Georgian-Abkhaz NATO tour if the Abkhaz decided to participate. Shamba

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initially was not receptive, focused on the Chakerbaia and Sigua cases, and tied any proposal to resolution of the Sigua case first. After much back and forth, Shamba said that he would have to consult with his de facto minister of education on the textbook issue, but did not seem open to changing his position about this or on the property or citizenship laws. He claimed that the Abkhaz remain ready to follow-up on the Bonn agreement (reftel A) to restart the Quadripartite Meetings and participate in a joint investigation of the Sigua case, but that the Georgians were holding it up.

¶16. (C) With regard to passportization, Shamba said that the Abkhaz are not able to verify if ethnic Georgians already have Georgian passports when they apply for Abkhaz passports. As for passport issuance, he stated that only 20 per cent of Abkhazia currently has passports. He denied that the lack of a Abkhaz passport would prevent ethnic Georgians from voting, implying that how to handle this sensitive political issue was yet to be decided by the de facto authorities. He stated that during the last elections all were allowed to vote, noting that Form 9s were accepted for this purpose, although he admitted that Abkhaz passports were not widely available at the time. Shamba said however, that all would have Abkhaz passports prior to the next Presidential election. He expressed frustration at what he referred to was constant criticism from the international community regarding Abkhaz passports and other issues of import to only the Georgians. Shamba stated that perhaps a green card system would work and he was open to new solutions to the problem. Poloff encouraged Shamba to implement the legislation in a way that does not force ethnic Georgians to give up their citizenship in order to participate in political life in Abkhazia.

Sukhumi Council for the Civic Minded

¶17. (C) Poloffs had lunch with representatives from the NGO community in Sukhumi on 2 August. NGOs noted problems similar to those reported by Gali NGOs including the lack of a fair judicial system, widespread corruption and de facto control over media sources. Representatives there told us of a new civil council formulated to liaise between government structures and local citizens in resolving issues. NGO representatives told us that there is not much opportunity for local press to report other than the government's official word. Most NGOs focused on legal assistance to local residents and improving conditions for prisoners in Abkhazia's prison (reftel B.)

Comment

¶18. (C) In our meetings with Shamba we sensed a slight hardening in the Abkhaz position. When Shamba continued to focus on Chakerbaia and Sigua, we reminded him that Chakerbaia was released due to DAS Bryza and Ambassador Tefft's intervention and that we fully supported an investigation into Sigua. Strikingly, there were a lot of Russian tourists in Sukhumi (and even more we heard from farther North) making the newly renovated hotel where we stayed a lively place. There were numerous Russian tourists at the train station, in the hotel bar, on the street, and in the restaurants. Still, traveling back from Sukhumi, the stark difference between the potholed streets and decayed infrastructure in Abkhazia (and especially in Gali) and across the Inguri Bridge to Zugdidi (where the

GoG has just paved a new road) remains a palpable reminder of the difference in outlook, mindset and opportunity between the two sides of the river. End Comment.
PERRY